

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JULIO ORTEGA-ESQUEDA,
Petitioner,
v.
UNITED STATES OF AMERICA,
Respondent.

Civil No. 08CV0019 JAH
Crim. No. 07CR0014 JAH

**ORDER DENYING MOTION TO
VACATE, SET ASIDE OR
CORRECT SENTENCE**

[28 U.S.C. § 2255]

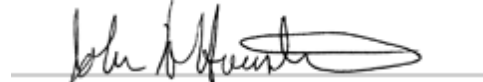
On January 4, 2007, petitioner Julio Ortega-Esqueda (“petitioner”) was charged in an information with two counts of illegally entering the United States in violation of 8 U.S.C. § 1325. Count One alleged petitioner illegally entered the United States on February 26, 2005 and Count Two alleged petitioner illegally entered the United States on December 9, 2006. Petitioner, on February 15, 2007, pled guilty to the information and was sentenced to twenty-four (24) months in custody pursuant to a plea agreement. On January 3, 2008, petitioner filed the instant motion seeking a correction of his sentence, claiming that he was “convicted for the same crime twice on the same day.” Doc. # 14. Respondent filed a return to the instant petition on February 1, 2008, pointing out that petitioner was not, in fact, convicted twice for the same crime but was convicted of two separate crimes for the same offense which occurred on two separate dates. Doc. # 16 at 2. This Court’s review of the record reveals that respondent is correct. Therefore, this Court finds no error to be corrected in petitioner’s sentence.

1 Accordingly, petitioner's motion to vacate, set aside or correct his sentence pursuant to
2 28 U.S.C. § 2255 is **DENIED**.

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4 Dated: April 21, 2008

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A handwritten signature in black ink, appearing to read "John A. Houston", is written over a horizontal line.

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JOHN A. HOUSTON
United States District Judge

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